



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/712,887	11/15/2000	Barry Jay Weber	RCA90,206	5241
24498	7590	03/09/2006	EXAMINER	
THOMSON LICENSING INC. PATENT OPERATIONS PO BOX 5312 PRINCETON, NJ 08543-5312			LAZARO, DAVID R	
			ART UNIT	PAPER NUMBER
			2155	

DATE MAILED: 03/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/712,887	Applicant(s) WEBER ET AL.	
	Examiner David Lazaro	Art Unit 2155	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 December 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This office action is in response to the amendment filed 12/08/2005.
2. Claims 1 and 17-21 are canceled.
3. Claims 2-16 are pending in this office action.

Response to Amendment

4. Applicants' arguments filed 12/08/2005 have been fully considered but they are not persuasive. See Response to Arguments. Accordingly, the grounds of rejection, as presented in the 09/08/2005 office action, are respectfully maintained and this action made final.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 13-16, 2, 3, 7, 8 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 5,778,187 by Monteiro et al. (Monteiro) in view of U.S. Patent 5,734,589 by Kostreski et al. (Kostreski).
7. With respect to Claim 13, Monteiro teaches a system for processing broadcast multimedia program content and advertisements to provide a composite program

datastream having multimedia data content and user targeted advertisements to multiple different users (Col. 1 lines 5-15), comprising:

a condition access processor operable to concurrently receive broadcast multimedia program content from multiple sources (Col. 4 lines 18-32);

a scheduler operable to schedule time of insertion of a designated advertisement into selected broadcast multimedia program content (Col. 16 lines 29-40); and

a multiplexer operable to provide multiple users with individualized composite program datastreams by performing in parallel for multiple users: insertion of a designated advertisement into a selected multimedia program content at a scheduled insertion time to form a composite program datastream (Col. 7 lines 60-65, *Interpreted to mean insertion may occur at the Media Server*); and coupling of said composite program datastream to a corresponding user of the multiple users (Col. 5 line 65 – Col. 6 line 5).

Monteiro does not explicitly disclose the condition access processor determining authorization of the multiple broadcast sources. Kostreski teaches a broadcast multimedia distribution system (Col. 1 lines 6-12 and Col. 3 line 66 - Col. 4 line 11) that includes a condition access processor the determines authorization of broadcast sources (VIP - video information provider). This allows the system to determine what sources are authorized to receive the advantages provided by the system (Col. 26 lines 39-46).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to take the system disclosed by Monteiro and modify it as indicated

Art Unit: 2155

by Kostreski such that the system further comprises a condition access processor operable to determine authorization of multiple broadcast sources to concurrently provide broadcast multimedia program content to the system. One would be motivated to have this, as there is need for providing the advantages of the system to authorized broadcast sources for the benefit of those using the system (In Kostreski: Col. 26 lines 39-46 and Col. 3 lines 54-58).

8. With respect to Claim 14, Monteiro does not explicitly disclose said conditional access processor determines authorization of a broadcast source to provide broadcast multimedia program content based on at least one of (a) a broadcaster ID, and (b) a password. Kostreski teaches said conditional access processor determines authorization of a broadcast source to provide broadcast multimedia program content based on at least one of (a) a broadcaster ID, and (b) a password (In Kostreski: Col. 26 lines 39-46)

It would have been obvious to one of ordinary skill in the art at the time the invention was made to take the system disclosed by Monteiro and modify it as indicated by Kostreski such that the system further comprises said conditional access processor determines authorization of a broadcast source to provide broadcast multimedia program content based on at least one of (a) a broadcaster ID, and (b) a password. One would be motivated to have this, as there is need for providing the advantages of the system to authorized broadcast sources for the benefit of those using the system (In Kostreski: Col. 26 lines 39-46 and Col. 3 lines 54-58).

9. With respect to Claim 15, Monteiro does not explicitly disclose said conditional access processor includes a decryption function to decrypt at least one of (a) encrypted broadcast multimedia program content, and (b) an encrypted authorization code or password. Kostreski teaches said conditional access processor includes a decryption function to decrypt at least one of (a) encrypted broadcast multimedia program content, and (b) an encrypted authorization code or password (In Kostreski: Col. 21 lines 8-16 and Col. 25 lines 50-60).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to take the system disclosed by Monteiro and modify it as indicated by Kostreski such that the system further comprises Kostreski teaches said conditional access processor includes a decryption function to decrypt at least one of (a) encrypted broadcast multimedia program content, and (b) an encrypted authorization code or password. One would be motivated to have this, as there is need for providing the advantages of the system to authorized broadcast sources for the benefit of those using the system (In Kostreski: Col. 26 lines 39-46 and Col. 3 lines 54-58).

10. With respect to Claim 16, Monteiro further teaches said multiplexer repeats said composite program datastream by mapping stored data comprising said composite program datastream to provide multiple stored copies of said composite program datastream for coupling to multiple users to enable scaleable expansion of broadcast of said composite program datastream (Col. 5 line 65 – Col. 6 line 5 and Col. 3 lines 55-59 of Monteiro).

11. With respect to Claim 2, Monteiro further teaches said broadcast multimedia program content comprises at least one of (a) streamed audio data, (b) streamed video data, (c) voice representative data, (d) voicemail data, and (e) a radio or video broadcast (Col. 4 lines 18-32 of Monteiro).

12. With respect to Claim 3, Monteiro further teaches said scheduler receives and pre-caches advertisements from multiple sources to provide candidate advertisements for selection of said designated advertisement for insertion in said selected multimedia program content at said scheduled insertion time (Col. 4 lines 43-54 and Col. 1 lines 11-15 of Monteiro).

13. With respect to Claim 7, Monteiro further teaches said multiplexer repeats said composite program datastream by mapping stored data comprising said composite program datastream to provide multiple stored copies of said composite program datastream for coupling to multiple users to enable scaleable expansion of broadcast of said composite program datastream (Col. 5 line 65 – Col. 6 line 5 and Col. 3 lines 55-59 of Monteiro).

14. With respect to Claim 8, Monteiro further teaches said multiplexer tracks a user connection (Col. 8 lines 4-11 and Fig. 5 of Monteiro) and maintains a database of user connection related statistics (Col. 3 lines 39-54 of Monteiro) comprising at least one of (a) user favorite program sources (Col. 3 lines 50-54 of Monteiro), (b) number of advertisements broadcast (See Claim 5 and 6 of Monteiro), (c) number of users receiving said composite program datastream (Col. 3 lines 42-44 of Monteiro), and (d)

length of user connection to a particular composite program datastream (Col. 3 lines 50-54 of Monteiro).

15. With respect to Claim 12, Monteiro further teaches a user profile database operable to allocate one of a plurality of available different advertisements for delivery to an individual user based on previously compiled user preference data in said user profile database (Col. 16 lines 34-41 of Monteiro); and a data acquisition processor operable to compile user preference information used in said user profile database based on prior user program selection history (Col. 16 lines 34-41 of Monteiro).

16. Claims 4-6 and 9-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Monteiro in view of Kostreski as applied to claim 13 above, and further in view of U.S. Patent Application Publication 2001/0023436 by Srinivasan (Srinivasan).

17. With respect to Claim 4, Monteiro in view of Kostreski teaches all the limitations of Claim 13 but does not explicitly disclose scheduling information provided by either a broadcast source or a source of the designated advertisement.

Srinivasan teaches in a similar system that the scheduling information for insertion of a designated advertisement can be provided either by the broadcast source of a selected broadcast program, the advertisement source, or by any other prior arrangement (Page 17 [0198]).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to take the system disclosed by Monteiro in view of Kostreski and modify it as indicated by Srinivasan such that said scheduler schedules insertion of said

designated advertisement into said multimedia program content based on at least one of (a) scheduling information provided by a broadcast source of said selected broadcast multimedia program, and (b) scheduling information provided by a source of said designated advertisement. One would be motivated to have this since it is a common way for content providers to sell advertising slots (Page 17 [0198] of Srinivasan).

18. With respect to Claim 5, Monteiro in view of Kostreski does not explicitly disclose said scheduling information contains advertisement scheduling information covering multiple broadcast multimedia programs. Srinivasan teaches said scheduling information contains advertisement scheduling information covering multiple broadcast multimedia programs (Page 17 [0198] of Srinivasan).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to take the system disclosed by Monteiro in view of Kostreski and modify it as indicated by Srinivasan such that said scheduling information contains advertisement scheduling information covering multiple broadcast multimedia programs. One would be motivated to have this since it is a common way for content providers to sell advertising slots (Page 17 [0198] of Srinivasan).

19. With respect to Claim 6, Monteiro in view of Kostreski does not explicitly disclose said scheduling information provided by a broadcast source comprises at least one of (a) information indicating time slots available for advertisement insertion in said broadcast multimedia program, (b) markers in said selected broadcast multimedia program indicating an advertisement insertion time slot, and (c) information for identifying advertisement insertion time slots from time stamp indications.

Srinivasan teaches said scheduling information provided by a broadcast source comprises at least one of (a) information indicating time slots available for advertisement insertion in said broadcast multimedia program (Page 17 [0198] of Srinivasan), (b) markers in said selected broadcast multimedia program indicating an advertisement insertion time slot (Page 10 [0112] of Srinivasan), and (c) information for identifying advertisement insertion time slots from time stamp indications (Page 20 [0228] of Srinivasan).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to take the system disclosed by Monteiro in view of Kostreski and modify it as indicated by Srinivasan such that said scheduling information provided by a broadcast source comprises at least one of (a) information indicating time slots available for advertisement insertion in said broadcast multimedia program, (b) markers in said selected broadcast multimedia program indicating an advertisement insertion time slot, and (c) information for identifying advertisement insertion time slots from time stamp indications. One would be motivated to have this since it is a common way for content providers to sell advertising slots (Page 17 [0198] of Srinivasan).

20. With respect to Claim 9, Monteiro in view of Kostreski teaches all the limitations of Claim 13 but does not explicitly disclose dynamically reallocating advertisements targeted to a user during broadcast in response to a command by selecting an advertisement from a plurality of available advertisements of a suitable duration.

Srinivasan teaches dynamically reallocating advertisements targeted to a user during broadcast in response to a command by selecting an advertisement from a

plurality of available advertisements of a suitable duration (Page 18 [0204] and Page 19 [0215]).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to take the system disclosed by Monteiro in view of Kostreski and modify it as indicated by Srinivasan such that said multiplexer dynamically reallocates advertisements targeted to a user during broadcast of said composite program datastream in response to a command by selecting an advertisement from a plurality of available advertisements of duration suitable for a time slot at said scheduled insertion time. One would be motivated to have this as this allows for better targeting of advertisements based on the latest user statistics (Page 19 [0215]).

21. With respect to Claim 10, Monteiro in view of Kostreski does not explicitly disclose a locally sourced advertisement is selected for said time slot in preference to a non-locally sourced advertisement. Srinivasan teaches a locally sourced advertisement is selected for said time slot in preference to a non-locally sourced advertisement (Page 16-17 [0192] of Srinivasan).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to take the system disclosed by Monteiro in view of Kostreski and modify it as indicated by Srinivasan such that a locally sourced advertisement is selected for said time slot in preference to a non-locally sourced advertisement. One would be motivated to have this as this allows for better targeting of advertisements (Page 19 [0215]).

22. With respect to Claim 11, Monteiro in view of Kostreski further teaches an error processor operable to parse said composite program datastream to detect error, and including an error concealment function operable to reduce the consequences of a detected error (Col. 7 lines 12-31 of Monteiro).

Response to Arguments

23. Applicants' arguments filed 12/08/2005 have been fully considered but they are not persuasive.

24. Applicants argue on pages 7-8 of the remarks - "*Monteiro et al. describe conditional access directed towards an end user. As such, Monteiro et al. neither discloses nor suggest "a condition access processor operable to determine authorization of multiple content broadcast sources to concurrently provide broadcast multimedia program content to the system as recited in independent claim 13 of the present invention....Kostreski et al. provides a set-top terminal device that processes compressed broadband digital audio/video information. The terminal is coupled to a communication network for receiving a broadcast digital broadband channel and may provide two-way control signaling communication between the terminal and the network. Kostreski et al. is not concerned with broadcasting multimedia content to multiple content broadcast sources. Consequently, Kostreski et al. neither disclose nor suggest "a condition access processor operable to determine authorization of multiple content broadcast sources to concurrently provide broadcast multimedia program content to the system" as recited in claim 13 of the present invention.*"

a. Examiner's response - Monteiro is not relied upon to explicitly teach all of this limitation. For this particular limitation, the rejection in this and the previous office action, sets forth a case of obviousness based on the combination of Monteiro and Kostreski. Monteiro is cited as teaching a condition access

processor operable to concurrently receive broadcast multimedia program content from multiple sources. Particularly, Col. 4, lines 18-32 describes a network center that concurrently receives broadcast multimedia program content "in a variety of ways such as from a satellite, over-the-air broadcast, cable or hard disk". This is further reflected in Fig. 1, where the multiple sources of the content can be seen as incoming to the network control center. Clearly, Monteiro has a condition access processor allowing it to receive the content from multiple broadcast sources. The examiner also notes the network control center and broadcast sources are distinct from the users (40). As such, the examiner's interpretation of the conditional access processor of Monteiro is not directed towards the end users as applicants are arguing.

b. Furthermore, the intent of Monteiro is to "provide for the delivery of real-time information to any number of users distributed throughout a network" and "allow for efficient delivery of multiple simultaneous information channels in real-time to a large number of users". The network center discussed above is the source of this real-time information (Col. 4 lines 18-20) and the network center produces this information from the content received from the multiple broadcast sources as noted above. Based on this evidence, Monteiro clearly describes a condition access processor operable to receive input from multiple broadcast sources such that it can provide broadcast multimedia program content to the system. The difference between Monteiro and the claimed subject matter is the lack of authorization of the multiple broadcast sources in Monteiro.

c. The office action acknowledges that Monteiro does not explicitly disclose the condition access processor determining authorization of the multiple broadcast sources. Kostreski is combined with Monteiro to show this subject matter is obvious. In Kostreski, the loop transport interface 300 (Col. 17 lines 7-19 and see Fig. 3) is analogous to the network center of Monteiro. The loop transport interface contains a video manager 417 (Col. 26 lines 26-30) which can maintain "a database of video information providers authorized to broadcast on the network" (Col. 26 lines 41-45). The video information providers (VIP) are the broadcast sources in Kostreski, and with the assistance of the video manager, the loop transport interface can review and edit incoming data streams before distributing the content on the network (Col. 26 lines 18-45). Based on this evidence, the examiner asserts Kostreski is concerned with broadcast multimedia content from multiple sources (VIPs) being distributed to a plurality of subscribers. Most importantly, Kostreski provides explicit teachings of the authorization of these multiple broadcast sources. For these reasons and based on the rejection presented in this and the previous office action, the combined teachings of Monteiro and Kostreski renders obvious the claimed subject matter of *"a condition access processor operable to determine authorization of multiple broadcast sources to concurrently provide broadcast multimedia program content to the system"*. Applicants' arguments are not persuasive.

Conclusion

25. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Lazaro whose telephone number is 571-272-3986. The examiner can normally be reached on 8:30-5:00 M-F.

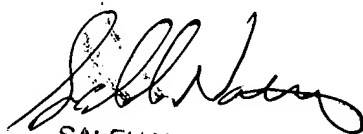
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saleh Najjar can be reached on 571-272-4006. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2155

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



David Lazaro
March 1, 2006



SALEH NAJJAH
SUPERVISORY PATENT EXAMINER